IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUA BATES,

Defendant.

8:20–CR–44

ORDER GRANTING MOTION TO
WITHDRAW AND DENYING MOTION
TO REDUCE SENTENCE

This matter is before the Court on the *pro se* Motion to Reduce Sentence filed by Defendant Joshua Bates, Filing 46, and the Motion to Withdraw filed by Assistant Federal Public Defender, Jessica L. Milburn. Filing 48. After the Defendant filed his Motion to Reduce Sentence, the Office of the Federal Public Defender was appointed to represent him pursuant to General Order No. 2023-09. Filing 47. The purpose of this appointment was to determine whether the Defendant qualified "for relief pursuant to either the 2023 U.S. Sentencing Guidelines amendments of U.S.S.G. § 1B1.13 or U.S.S.G. § 1B1.10 providing for the retroactive application of Amendment 821[.]" Filing 47 at 1. Ms. Milburn has moved to withdraw as counsel because "the Defendant was a criminal history category III, and no status points were added to his score." Filing 48 at 1.The United States Probation Office also submitted a worksheet in this case which states that the Defendant is not eligible for a reduction. Filing 49 at 1.
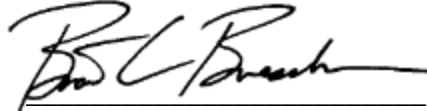
The Court has conducted its own review of the Defendant's *pro se* Motion along with other relevant matters in the record. The Court concludes that the Defendant is not entitled to the sentencing relief he seeks. His *pro se* Motion is without merit and will be denied. The Court likewise concludes that Ms. Milburn's Motion to Withdraw should be granted for the reasons she set forth in her Motion. Accordingly,

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IT IS ORDERED:

1. Assistant Federal Public Defender Jessica L. Milburn's Motion to Withdraw, Filing 48, is granted; and

2. Joshua Bates's *pro se* Motion to Reduce Sentence, Filing 46, is denied.

Dated this 10th day of May, 2024.

BY THE COURT:

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Brian C. Buescher
United States District Judge